

## IN THE UNITED STATES BANKRUPTCY COURT

## DISTRICT OF DELAWARE

IN RE:

W. R. GRACE &amp; CO.,

Debtor(s).

Edythe Kellogg,

Movant,

v.

W. R. Grace &amp; Co.,

Respondent.

Case No. 01-01139 JKF

Chapter 11

Objections Due: March 11, 2002

Hearing Date: March 18, 2002

Hearing Time: 10:00 a.m.

ORDERAND NOW, to wit, this 18 day of June, 2002, having

heard and considered the Motion for Relief from Stay filed by KELLOGG,

IT IS HEREBY ORDERED, *for the reasons expressed on the record, that the motion is denied. Movant has filed for a proof of claim.* that the stay pursuant to 11 U.S.C., Section 362(d) shall be modified to permit the Movant to validate the filing of the Litigation and to allow KELLOGG to exercise any and all rights she has under applicable state law against the Debtor's insurance. *The litigation initiated by Movant in state court was commenced in violation of the automatic stay and policy coverage for this event. will not be permitted to proceed at this time. Movant's waiver of the \$250,000 deductible is not sufficient, in the circumstances of this case, to permit the action to go forward without prejudice to other unsecured creditors in this estate for the reasons stated in Debtor's pleadings & briefs and as further expressed on the record by the court, which record is incorporated herein as part of the court's findings & conclusions.*

cc SEE SERVICE LIST ATTACHED.

Debtor shall commence any objection to the proof of claim within 30 days.

*J. Fitzgerald*

*#1051  
2/8/02*